Exhibit 5

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

JUL 19 2011

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Rick Kennedy, Esq.
Hodgson Russ LLP
The Guaranty Building
140 Pearl Street
Buffalo, New York 14202

RE: Order on Consent - EPA Index No. CAA-02-2011-1013

Dear Mr. Kennedy:

Enclosed please find the fully executed Order on Consent regarding the Tonawanda Coke Corporation's by-product area. Please note that the effective date of the Order on Consent is July 19, 2011, the date that EPA signed the order. In recognition that this matter involves parallel federal and state consent orders, this will re-confirm that any penalty sought as a result of a violation of the federal and state orders will be sought jointly by the U.S. Environmental Protection Agency (EPA) and New York State Department of Environmental Conservation.

If you have any questions regarding the Order on Consent, please contact Erick Ihlenburg, Assistant Regional Counsel, at (212) 637-3250 or ihlenburg.erick@epa.gov. Thank you for your cooperation in this matter.

Sincerely,

Dore LaPosta, Director
Division of Enforcement and Compliance Assistance
U.S. Environmental Protection Agency – Region 2

Enclosure

cc: Mr. Robert J. Stanton, P.E., Director
New York State Department of Environmental Conservation
Division of Air Resources
Bureau of Stationary Sources
625 Broadway, 2nd Floor
Albany, New York 12233-3254

Ms. Colleen McCarthy, Senior Counsel
New York State Department of Environmental Conservation
Bureau of Air Resources
625 Broadway, 14th Floor
Albany, New York 12233-5500

Mr. Al Carlacci, RAPCE
New York State Department of Environmental Conservation
Region 9
270 Michigan Avenue
Buffalo, New York 14203-2999

Ms. Terri Mucha, Assistant Regional Attorney
New York State Department of Environmental Conservation
Region 9
270 Michigan Avenue
Buffalo, New York 14203-2999

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

In the Matter of: Tonawanda Coke Corporation Tonawanda, New York Respondent In a proceeding under Section 113(a) of the Clean Air Act, 42 U.S.C. § 7413(a)	**COMPLIANCE ORDER ON CONSENT** CAA-02-2011-1013

I. Preliminary Statement

The United States Environmental Protection Agency (EPA) Region 2 Director of the Division of Enforcement and Compliance Assistance (Director) issues this COMPLIANCE ORDER ON CONSENT ("Consent Order" or "Order"), pursuant to the Clean Air Act, 42 U.S.C. § 7401 et seq. (the Act), Section 113(a), 42 U.S.C. § 7413(a), to Tonawanda Coke Corporation (TCC or Respondent), the owner and/or operator of a by-product coke plant (Facility), located at 3875 River Road, Tonawanda, New York. The authority to find violations and issue compliance orders is delegated to the Director from the EPA Administrator, through the Regional Administrator. TCC neither admits nor denies the factual allegations, legal conclusions or assertions (including alleged or asserted violations) set forth in this Order. TCC affirmatively reserves all of its rights

and defenses in this matter, as provided by law or otherwise; except TCC consents to the jurisdictional allegations in this Order, and agrees to be bound by, and to fully comply with, the provisions in Section V of this Order, below. This Order is being issued in conjunction with a parallel New York State Department of Environmental Conservation (DEC) administrative "Order on Consent." File No.: 11-11 R9-20110315-7. The work and schedules required by this Consent Order are intended to be identical to the work and schedules in the DEC Order on Consent.

II. Statutory and Regulatory Background

Statutory Framework

1. Section 112(b)(1) of the Act provides a list of the hazardous air pollutants (HAP) established for purposes of promulgating regulations pursuant to Section 112 of the Act.

2. Section 112(c) of the Act requires EPA to publish a list of categories and subcategories of major and area sources of listed HAPs.

3. Section 112(d)(1) of the Act requires EPA to promulgate regulations establishing emission standards for each category or subcategory of major and area sources of listed HAPs.

4. Section 113(a)(3) of the Act authorizes EPA to issue compliance orders, including compliance orders on consent, in accordance with the requirements in Section 113(a)(4) of the Act, to any person whenever, on the basis of any information available to EPA, EPA finds that such person has violated, or is in violation of, among other things, any requirement or prohibition of subchapters I or V of the Act, or any regulations promulgated pursuant to Sections 112 and 114 of the Act.

5. Section 114(a)(1) of the Act authorizes EPA to, among other things, require owners and operators of emission sources to provide information regarding such sources, establish and maintain records, make reports, sample emission points, and to install, use and maintain such monitoring equipment or methods, in order to determine whether any person is in violation of the Act or to carry out any provision of the Act (except the provisions of subchapter II of the Act).

6. Section 302 of the Act defines the term "person" to include, among other things, an individual, corporation, partnership or association.

NESHAP General Provisions

7. Pursuant to Sections 112 and 114 of the Act, EPA promulgated 40 C.F.R. Part 61, Subpart A, §§ 61.01 through 61.19 (NESHAP General Provisions).

8. 40 C.F.R. § 61.01(c) of the NESHAP General Provisions provides that 40 C.F.R. Part 61 applies to the owner or operator of any stationary source for which a standard is prescribed under Part 61.

9. 40 C.F.R. § 61.02 of the NESHAP General Provisions defines "stationary source" as "any building, structure, facility, or installation which emits or may emit any air pollutant which has been designated as hazardous by the Administrator."

10. 40 C.F.R. § 61.12(c) of the NESHAP General Provisions provides that the owner or operator of each stationary source shall maintain and operate the source, including associated equipment for air pollution control, in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to EPA which may include, but is not limited to, monitoring results,

review of operating and maintenance procedures, and inspection of the source.

NESHAP Subpart L

11. On September 14, 1989, pursuant to Sections 112 and 114 of the Act, EPA promulgated the "National Emission Standard for Benzene Emissions from Coke By-Product Recovery Plants," 40 C.F.R. Part 61, Subpart L, §§ 61.130 through 61.139 (NESHAP Subpart L).

12. 40 C.F.R. § 61.130(a) provides that NESHAP Subpart L applies to specific sources at furnace and foundry coke by-product recovery plants, including but not limited to: tar decanters, tar storage tanks, tar-intercepting sumps, and to the following equipment that are intended to operate in benzene service: pumps, valves, exhausters, pressure relief devices, sampling connection systems, open-ended valves or lines, flanges or other connectors, and control devices or systems required by § 61.135.

13. 40 C.F.R. § 61.131 defines "coke by-product recovery plant" as "any plant designed and operated for the separation and recovery of coal tar derivatives (by-products) evolved from coal during the coking process of a coke oven battery."

14. 40 C.F.R. § 61.131 defines "exhauster" as "a fan located between the inlet gas flange and outlet gas flange of the coke oven gas line that provides motive power for coke oven gases."

15. 40 C.F.R. § 61.131 defines "tar decanter" as "any vessel, tank or container that functions to separate heavy tar and sludge from flushing liquid by means of gravity, heat, or chemical emulsion breakers. A tar decanter also may be known as a flushing liquor decanter."

III. Findings of Fact

16. Respondent owns and operates the Facility, which is designed and operated for the separation and recovery of coal tar derivatives (by-products) evolved from coal during the coking process of a coke oven battery, among other things.

17. The Facility includes, among other things, a vessel or tank that functions to separate heavy tar and sludge from flushing liquid by means of gravity, heat, or chemical emulsion breakers, and a fan located between the inlet gas flange and outlet gas flange of the coke oven gas line that provides motive power for coke oven gases.

18. The Facility also consists of a number of buildings, structures and installations that emit, among other things, benzene.

19. On April 30, 2002, DEC issued TCC a title V Operating Permit for the Facility, Permit ID # 9-1464-00113/00031, which has an expiration date of May 1, 2007. [1]

20. From May 24 through 28, 2010, EPA inspectors conducted a compliance evaluation (May 2010 Inspection) at the Facility to assess fugitive coke oven gas (COG) emissions from the Facility's by-products area.

21. During the May 2010 Inspection, EPA measured and recorded the concentrations of volatile organic compounds (VOC) in fugitive COG emissions from equipment and components in the by-products area, using a toxic vapor analyzer (TVA). The TVA measured VOC concentrations in the COG emissions in parts per million (ppm).

[1] More than 180 days before the expiration of the Facility's title V Operating Permit, TCC submitted to NYSDEC a title V Operating Permit renewal application, under 6 N.Y.C.R.R. § 621.13(a) and Condition 3 of the title V Operating Permit. By operation of law, TCC's timely renewal application has the effect of administratively extending its expired permit until a renewal permit is issued.

22. During the May 2010 Inspection, EPA also measured and recorded benzene concentrations in fugitive COG emissions from equipment and components in the by-products area, using a benzene-specific photoionization detector (PID). The PID measured the benzene concentrations in ppm.

23. On May 25, 2010, the inspectors measured emissions with a VOC concentration of greater than 20,000 ppm at the light-oil storage tank conservation vent. The inspectors also measured a benzene concentration of 200 ppm at this location.

24. On May 25, 2010, the inspectors measured emissions with a VOC concentration of greater than 10,000 ppm at tag #72 of the light-oil storage tank. The inspectors also measured a benzene concentration of 2,200 ppm at this location.

25. On May 26, 2010, the inspectors measured emissions with a VOC concentration of 500 ppm at a tar sampling port on the tar decanter. The inspectors also measured a benzene concentration of 40 ppm at this location.

26. On May 26, 2010, the inspectors measured emissions with a VOC concentration of greater than 20,000 ppm at the light-oil storage tank conservation vent. The inspectors also measured a benzene concentration of 850 ppm at this location.

27. On May 26, 2010, the inspectors measured emissions with VOC concentrations of between 250 and 600 ppm at the carbon canister exhaust on weak ammonia liquor tank #3. The inspectors also measured a benzene concentration of 0.55 ppm at this location.

28. On May 26, 2010, the inspectors measured emissions with a VOC concentration of greater than 10,000 ppm at a valve near the pump at the ammonia scrubber. The inspectors also observed a liquid drip and measured a benzene

concentration of 2 ppm at this location.

29. On May 26, 2010, the inspectors measured emissions with a VOC concentration of greater than 25,000 ppm at a valve located at the base of the ammonia scrubber tower (east side). The inspectors also observed a liquid drip and measured a benzene concentration of 2 ppm at this location.

30. On May 27, 2010, the inspectors measured emissions with a VOC concentration of greater than 20,000 ppm at the top flange seal of the tar precipitator. The inspectors also measured a benzene concentration of between 50 and 60 ppm at this location, and observed a liquid drip on the north side of the tar precipitator.

31. On May 27, 2010, the EPA inspectors measured emissions with a VOC concentration of greater than 20,000 ppm at the valve located at the base of the ammonia scrubber tower (east side). The inspectors also measured a benzene concentration of 25 ppm at this location.

32. From October 12 through 14, 2010, EPA inspectors conducted an additional compliance evaluation (October 2010 Inspection) at the Facility to assess fugitive COG emissions from the Facility's by-products area.

33. During the October 2010 Inspection, EPA measured and recorded the concentrations of VOC in fugitive COG emissions from equipment and components in the by-products area, using a toxic vapor analyzer (TVA). The TVA measured VOC concentrations in the COG emissions in ppm.

34. During the October 2010 Inspection, EPA also measured and recorded benzene concentrations in the fugitive COG emissions from equipment and components in the by-products area, using a benzene-specific photoionization detector (PID). The

PID measured the benzene concentrations in ppm.

35. On October 12, 2010, the inspectors measured emissions with a VOC concentration of 12,000 ppm at exhauster #1. The inspectors also measured a benzene concentration of 59 ppm at this location.

36. On October 12, 2010, the inspectors measured emissions with a VOC concentration of 19,000 ppm at exhauster #3. The inspectors also measured a benzene concentration of 406 ppm at this location.

37. On October 12, 2010, the inspectors measured emissions with a VOC concentration of 5,000 ppm at tag #262 of the downcomer sump. The inspectors also measured a benzene concentration of 12 ppm at this location, and observed that the emissions were from an open ended line.

38. On October 12, 2010, the inspectors measured emissions with a VOC concentration of 5,000 ppm at the flange on a red pipe at the top of the tar precipitator. The inspectors also observed a liquid drip at this location.

39. On October 12, 2010, the inspectors measured emissions with VOC concentrations of between 400 and 600 ppm at the top seal of the tar precipitator. VOC and benzene concentrations were also measured in the same location during the May 2010 Inspection.

40. On October 13, 2010, the inspectors measured emissions with a VOC concentration of 30,000 ppm at a valve on the south side of the ammonia scrubber. The inspectors also measured a benzene concentration of 386 ppm at this location, and observed that the repair band on the back of this valve was leaking.

41. On October 13, 2010, the inspectors measured emissions with a VOC concentration of 18,000 ppm at the inlet valve of the light-oil scrubber. The inspectors also measured a benzene concentration of 119 ppm at this location, and observed a liquid drip at this valve.

42. On October 13, 2010, the inspectors measured emissions with a VOC concentration of greater than 10,000 ppm at repair band #1 on the downcomer of the light-oil scrubber.

43. On October 13, 2010, the inspectors measured emissions with a VOC concentration of greater than 10,000 ppm at repair band #2 on the downcomer of the light-oil scrubber.

44. On October 13, 2010, the inspectors measured emissions with a VOC concentration of greater than 10,000 ppm at the red plate on the COG collector main.

45. On October 13, 2010, the inspectors measured emissions with a VOC concentration of greater than 10,000 ppm at the pink plate on the COG collector main.

46. On October 13, 2010, the inspectors measured emissions with a VOC concentration of 19,000 ppm at the drip leg tee connection on the COG collector main. The inspectors also measured a benzene concentration of 680 ppm at this leak.

47. On October 13, 2010, the inspectors measured emissions with a VOC concentration of 14,600 ppm at the flange on the western-most valve on the COG collector main, south of the ammonia scrubber. The inspectors also measured a benzene concentration of 241 ppm at this location.

48. On October 13, 2010, the inspectors measured emissions with a VOC concentration of 27,200 ppm at the flange on the eastern-most valve on the COG

collector main, south of the ammonia scrubber. The inspectors also measured a benzene concentration of 234 ppm at this leak.

49. On October 13, 2010, the inspectors measured emissions with a VOC concentration of greater than 10,000 ppm at exhauster #2.

50. During the October 2010 Inspection, EPA inspectors observed numerous components and equipment in the Facility's by-products area that were operated in a condition of disrepair, including the COG collector main, the ammonia and light-oil scrubbers, and associated piping and/or valves at which the fugitive COG emissions described above were measured. The inspectors observed wooden plugs, cloth material and/or metal repair bands used to address COG emissions from these components and equipment. The poor mechanical and structural integrity of these components and equipment, and the air pollution control practices utilized, resulted in increases in preventable fugitive COG emissions, including emissions of VOC and benzene, from the by-products area.

51. On November 17, 2010, EPA, DEC and TCC held a meeting to discuss, among other things, the fugitive COG emissions from the Facility's by-products area, and actions that may be taken to eliminate existing emissions and to prevent future emissions.

52. On December 22, 2010, EPA issued a letter to TCC (Section 112(r) Letter), which referenced an April 28, 2010 Administrative Order issued to TCC under Section 112(r) of the Act (Section 112(r) Order). The Section 112(r) Letter required TCC to conduct an engineering assessment of the Facility by-products area, and to submit a by-products area work plan that contains a detailed description of work to be

performed to eliminate existing emissions and to prevent future emissions, and a schedule for completing such work.

53. On December 30, 2010, TCC responded to EPA's Section 112(r) Letter, and consented to perform the work described in the Section 112(r) Letter.

54. On June 7, 2011, TCC submitted to EPA a revised final "By-product Area Assessment" (Attachment 1), consistent with the Section 112(r) Order and Letter, and with TCC's December 30, 2010 letter.

IV. Conclusions of Law and Findings of Violation

55. From the Findings of Fact set forth above, EPA finds that TCC is the owner and/or operator of a coke by-product recovery plant, which is a stationary source that includes, among other things, a tar decanter, pumps, valves and exhausters.

56. From the Findings of Fact set forth above, EPA finds that TCC is subject to the requirements of NESHAP Subpart L for Benzene Emissions from Coke By-Product Recovery Plants.

57. From the Findings of Fact set forth above, EPA finds that TCC is subject to the requirements in the NESHAP General Provisions, including 40 C.F.R. § 61.12(c).

58. From the Findings of Fact and Conclusions of Law set forth above, EPA finds that TCC failed to maintain and operate the Facility's by-products area in a manner consistent with good air pollution control practice for minimizing emissions, in violation of 40 C.F.R. § 61.12(c) of the NESHAP General Provisions.

V. Consent Order—Compliance Provisions

Consistent with the Findings of Fact and Conclusions of Law above, pursuant to Section 113(a) of the Act, and with the consent of TCC, IT IS DETERMINED AND ORDERED that:

A.

The provisions of this Consent Order shall apply to TCC and to its officers, agents, servants, employees, successors and to all persons, firms and corporations acting pursuant to, through or for TCC. TCC shall comply with each provision of this Consent Order as expeditiously as practicable, but in no event later than the dates specified below. Each provision of this Order shall be independently enforceable under Section 113 of the Act, 42 U.S.C. § 7413. In recognition of the parallel State and Federal enforcement and the entry by TCC into two parallel Orders on Consent to resolve the violations alleged in each Order on Consent, with the exception of determinations related to the allegations of violations of 6 NYCRR 211 under the State order, determinations on matters related to the interpretation of any requirements under the State and Federal Orders, and requests for any modification to the Orders, will be addressed through the following process. TCC shall submit such requests in writing to both EPA and DEC. Upon receipt of requests, both EPA and DEC will expeditiously consult with each other to reach a determination on the request. EPA and DEC will coordinate on the written response which DEC will communicate to TCC with a copy to EPA.

B.

Upon receiving EPA and DEC approval of the written procedures submitted by TCC on May 31, 2011, for making repairs on, and fixing leaks from, the COG piping system, TCC shall begin implementing the procedures as approved by EPA and DEC. In determining the written procedures' approvability, EPA will consult with DEC and TCC.

C.

By the Effective Date of this Consent Order, TCC shall operate and maintain the west by-product area flare and associated piping that was installed in June 2011, with an audible alarm system and visual indicators, in accordance with all applicable requirements.

D.

By no later than August 1, 2011, TCC shall develop and submit to EPA, for review and approval, a comprehensive engineering analysis of the impacts of ammonia emissions from the ammonia still, consistent with Section 4.1 of the attached By-product Area Assessment. The analysis must address the handling of ammonia in the COG, including condensate and ammonia liquor, and potential impacts on boiler operations. **Within 30 days of the Effective Date of this Consent Order,** specified in Section IX, below, TCC shall submit to EPA an interim draft analysis for review.

E.

By no later than August 30, 2011, TCC shall submit to EPA, for review and approval, a company-approved written plan for improving the handling of COG condensate throughout the Facility, consistent with Section 4.1 of the attached By-product Area Assessment. In determining the written plan's approvability, EPA will consult with DEC

and TCC. Upon receiving EPA and DEC approval of the written plan, TCC shall begin implementing the plan as approved by EPA and DEC.

F.

By no later than September 30, 2011, TCC shall complete the repair of the top of the tar decanter, consistent with Section 4.1 of the attached By-product Area Assessment and with 40 C.F.R. § 61.12(c).

G.

By no later than October 30, 2011, TCC shall submit to EPA, for review and approval, a company-approved written plan for improving process vessel venting, consistent with Section 4.1 of the attached By-product Area Assessment and with 40 C.F.R. § 61.12(c). In determining the written plan's approvability, EPA will consult with DEC and TCC. Upon receiving EPA and DEC approval of the written plan, TCC shall begin implementing the plan as approved by EPA and DEC.

H.

By no later than November 30, 2011, TCC shall complete installation of the PLC hub system designed in accordance with Section 4.1.3 of the September 2010 "Incident Investigation and Engineering Assessment: March 17, 2009 and March 31, 2010 Incidents," submitted by Conestoga-Rovers & Associates on behalf of TCC, and with Section 4.1 of the attached By-product Area Assessment.

I.

By no later than December 30, 2011, TCC shall complete all work to rehabilitate the ammonia scrubber system and the tar precipitator, consistent with Section 4.1 of the attached By-product Area Assessment and with 40 C.F.R. § 61.12(c).

J.

By no later than May 1, 2012, TCC shall disconnect the light-oil scrubber unit from the Facility's COG system, and commence the continuous purge with steam or other inert gas to remove COG and other accumulated material, consistent with Section 4.1 of the attached By-product Area Assessment and with 40 C.F.R. § 61.12(c). TCC shall complete the continuous purge within 30 days of the start of this work.

K.

Within 90 days of completion of the ammonia scrubber and tar precipitator rehabilitation work, but no later than March 29, 2012, TCC shall submit to EPA, for review and approval, a written engineering assessment of whether a new by-products COG main bypass to the west flare is necessary, consistent with Section 4.1 of the attached By-product Area Assessment.

L.

TCC shall complete all other work described in Sections 4.1 and 4.2 of the attached By-product Area Assessment, consistent with such Assessment and the schedules contained therein, and with 40 C.F.R. § 61.12(c).

M.

All documents, reports, and results required by this Consent Order shall be submitted to:

Kenneth Eng, Chief
Air Compliance Branch
Division of Enforcement and Compliance Assistance
U.S. Environmental Protection Agency - Region 2
290 Broadway - 21st Floor
New York, New York 10007-1866

VI. Business Confidentiality

Respondent may assert a business confidentiality claim covering part or all of any information this Consent Order requires only to the extent and in the manner described in 40 C.F.R. § 2.203. EPA will disclose information submitted under a confidentiality claim only as provided in 40 C.F.R. Part 2, Subpart B. See 41 Fed. Reg. 36,902 (1976). If Respondent does not assert a confidentiality claim, EPA may make the information available to the public without further notice to Respondent.

VII. Enforcement

Section 113(a)(3) of the Act authorizes EPA to take any of the following actions in response to Respondent's violation(s) of the Act:

- bring a civil judicial action pursuant to Section113(b) of the Act for injunctive relief and/or civil penalties up to $25,000 per day for each violation, and adjust the maximum penalty provided by the Act up to $27,500 per day for each violation that occurs from January 30, 1997 through March 14, 2004; $32,500 per day for each violation that occurs from March 15, 2004 through January 12, 2009; and $37,500 per day for each violation that occurs after January 12, 2009, in accordance with the Debt Collection Improvement Act, 31 U.S.C. 3701 et seq. (DCIA), and 40 C.F.R. Part 19, promulgated pursuant to the DCIA; or

- issue an administrative penalty order pursuant to Section 113(d) of the Act, for civil penalties, and adjust these penalties in accordance with the DCIA and Part 19, as stated above.

Failure to comply with this Consent Order may result in an administrative or civil action for appropriate relief as provided in Section 113 of the Act. EPA retains full authority to enforce the requirements of the Act, for all periods of noncompliance including those covered in this Order, and nothing in this Order shall be construed to limit that authority. Furthermore, the United States may seek fines and/or imprisonment of any party who knowingly violates the Act or an Order issued pursuant to Section 113

of the Act. Upon conviction, any facility owned by such party may be declared ineligible for federal contracts, grants and loans. *See* Section 306 of the Act; 40 C.F.R. Part 15; and Executive Order 11,738.

VIII. Penalty Assessment Criteria

Section 113(e)(1) of the Act provides that if a penalty is assessed pursuant to Section 113 of the Act, EPA or the court, as appropriate, shall, in determining the amount of the penalty to be assessed, take into consideration the size of the business. the economic impact of the penalty on the business, the violator's full compliance history and good faith efforts to comply, the duration of the violation as established by any credible evidence (including evidence other than the applicable test method), payment by the violator of penalties previously assessed for the same violation, the economic benefit of noncompliance, the seriousness of the violation, and other factors as justice may require.

Section 113(e)(2) of the Act allows EPA or the court, as appropriate, to assess a penalty for each day of violation. In accordance with Section 113(e)(2) of the Act, EPA will consider a violation to continue from the date the violation began until the date Respondent establishes that it has achieved continuous compliance. If Respondent proves that there was an intermittent day of compliance or that the violation was not continuous in nature, EPA will reduce the penalty accordingly.

IX. Effective Date and Opportunity for Conference

Pursuant to Section 113(a)(4) of the Act, Respondent may request a conference with EPA concerning the violation(s) alleged in this Consent Order. Respondent expressly waives its right to a conference and consents to be bound by the provisions in

Section V of the Order, above. Following execution by Respondent, this Order shall become effective upon its execution by EPA.

All inquiries concerning this Order should be made in writing to:

Erick R. Ihlenburg
Office of Regional Counsel – Air Branch
U.S. Environmental Protection Agency – Region 2
290 Broadway – 16th Floor
New York, NY 10007-1866
(212) 637-3250

Notwithstanding the effective date of this Order, Respondent must comply with all applicable requirements of the Act, with all applicable regulations promulgated under the Act, and with all permits, consent decrees or other orders issued in accordance with the Act.

Issued: July 19, 2011

Dore LaPosta, Director
Division of Enforcement and Compliance Assistance
U.S. Environmental Protection Agency - Region 2

To: Mr. James D. Crane, Owner & CEO
Tonawanda Coke Corporation
3875 River Road
Tonawanda, New York 14150-6507

CONSENT BY RESPONDENT

Respondent hereby consents to the issuance and entry of the foregoing Order, without further notice, waives its right to a hearing herein as provided by law, and agrees to be bound by the provisions, terms and conditions contained herein. The undersigned represents and affirms that he or she has the legal authority to bind Respondent to the terms and conditions of this Order.

Tonawanda Coke Corporation

By: Paul Saffrin

Title: OFFICER

Date: 7-18-11

ACKNOWLEDGEMENT

STATE OF New York)
) ss:
COUNTY OF Erie)

On the 18 day of July in the year 2011, before me, the undersigned, personally appeared PAUL SAFFRIN,
(Full name)
personally known to me who, being duly sworn, did depose and say that he or she resides at

(Full mailing address)
and that he or she is the Corporate OFFICER
(President or other officer or director or attorney in fact duly appointed)
of the TONAWANDA Coke Corporation.
(Full legal name of corporation)
the corporation described in and which executed the above instrument; and that he or she signed his or her name thereto by the authority of the board of directors of said corporation.

Linda L. Baker
Notary Public

LINDA L BAKER
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01BA6142946
Qualified in Niagara County
Commission Expires March 27, 2014

For Respondent Tonawanda Coke Corporation:

_____ _____, 2011

James D. Crane
Owner & CEO
Tonawanda Coke Corporation

Cc: Mr. Robert J. Stanton, P.E., Director
New York State Department of Environmental Conservation
Division of Air Resources
Bureau of Stationary Sources
625 Broadway, 2nd Floor
Albany, New York 12233-3254

Ms. Colleen McCarthy, Senior Counsel
New York State Department of Environmental Conservation
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